

Request for Proposal: Environmental Management Systems Pilot Program Consultant

A. Background

In the spring of 2008, the Iowa Legislature passed House File (HF) 2570, legislation that provides financial assistance from the existing Solid Waste Alternatives Program (SWAP) fund to develop and implement Environmental Management Systems (EMS) in solid waste planning areas across Iowa. The legislation identified six specific areas in which areas requesting EMS designation must make efforts: yard waste management, hazardous household waste collection, water quality improvement, greenhouse gas reduction, recycling services, and environmental education. The legislation also requires an annual compliance report that provides the means to determine if the EMS is making continuing progress in each area.

To begin this process, up to six pilot areas will be selected to carry out a continuous improvement process in which goals are dynamic and set by the planning areas to best protect the environment according to specific local needs and accomplishments.

The EMS pilot project is being overseen by the Solid Waste Alternatives Program Advisory Council (Council) made up of nine members appointed by the Director of the Department of Natural Resources (Department). The Department is responsible for making recommendations for EMS designation and funding allocations to the Environmental Protection Commission - website: <http://www.iowadnr.gov/epc/index.html>.

This Request for Proposals (RFP) is a direct result of the Request for Qualifications process initiated by the Council in March 2009.

B. Purpose

The purpose of this RFP is to solicit proposals from the five pre-qualified service providers to assist the Council in developing and implementing the new EMS program framework. The selected provider will also work directly and individually with each of the six pilot areas. A list of tasks and expected outcomes is outlined further in the Scope of Work below. Respondents should provide a detailed description of their approach to completion of each of the required tasks.

The Department intends to award a 12-month contract, beginning on add date and ending no later than add date. The contract may be extended up to six additional months at the request of the Department. The Department will notify the contractor not less than 60 days prior to the end of the contract if an extension is needed. Any contract resulting from this RFP shall not be deemed an exclusive contract.

OK
Comment [J1]: Added "no" jlj

Comment [S2]: Exclusive on whom - DNR or the selected contractor or both? SLB

C. Eligibility

Only entities pre-qualified through the RFQ process are eligible to submit proposals.

Respondents must examine their interests and the individual interests of their agents, and determine if they are or have the appearance of being in conflict with the interests of the Department's solid waste management planning programs and the purposes of this project. It is the explicit responsibility of each

take out - check w/ legal

applicant to identify any real or perceived conflicts that might arise if selected, and relate these conflicts in detail as part of their submittal.

Requests for Proposals, contracts, grants, purchases and all other financial arrangements are administered by the Department equally to all without regard to race, color, political affiliation, creed, sex, national origin, disability, age, or place of residence.

The Department seeks to provide opportunities for Targeted Small Businesses in the awarding of contracts. The Department is authorized to award contracts to Targeted Small Businesses under the provisions of the Iowa Targeted Small Business Procurement Act of 1986 and the Iowa Administrative Code.

D. Issuing Officer

Brian Tormey, Bureau Chief
Land Quality Bureau
Iowa Department of Natural Resources
Wallace State Office Building
502 East 9th Street
Des Moines, Iowa 50319

Phone: (515) 281-8927
Fax: (515) 281-8895
E-mail: Brian.Tormey@dnr.iowa.gov

E. Stipulations

The Council will select the vendor/contractor. The Department will negotiate the contract, review the quantity and quality of work performed, and issue payments upon completion of the work specified in the contract. By accepting Department funds, the applicant agrees to meet milestones and goals set by the Department's contract manager and attend a contract consultation meeting. Upon contract completion, the contractor must submit a final report providing a detailed accounting of all expenditures made during the term of the contract.

F. Scope of Work

The selected qualified individual(s), organization(s) or firm(s) shall be responsible for coordinating, developing and executing the following project requirements:

Task 1: Act as an advisor to the nine-member Solid Waste Alternatives Program Advisory Council (Council). The consultant is expected to attend each Council meeting in person or via phone/conference call and to respond to requests for information as directed by the Department or Council. This is expected to include but shall not be limited to periodic status reports about progress by and with each of the six pilot areas. Reports should be provided to the Department for distribution to Council members no later than one week prior to Council meetings.

Task 2: Provide assistance to EMS pilot project participants as they evaluate their programs and identify activities to address the 10 "Elements of Environmental Management Systems" listed in Appendix B.

The Council anticipates selecting up to six pilot areas to participate in this effort prior to the consultant being hired. Pilot areas will be selected from Iowa's current solid waste planning areas (or portions thereof). Planning area regions are described in detail on the Iowa DNR Comprehensive Planning webpage: <http://www.iowadnr.gov/waste/sw/compplan.html>. Some potential pilot areas may have already begun

working on a continuous improvement process, while others will not yet have started this process. All have completed at least five comprehensive solid waste management plans and have implemented a variety of waste reduction and recycling efforts throughout their service areas with varying levels of success.

The purpose of this task is **not** for the consultant to complete evaluations and goal setting for each pilot area; but rather for the consultant to work with the pilot areas jointly and individually to develop appropriate and reusable evaluation and goal-setting procedures. This may include a joint training program on continuous improvement theories and practices. It may also include, as needed, the direct provision of assistance to pilot areas as they complete their first evaluation and goal-setting process. The pilot areas are expected to provide an output to the Council that identifies:

- The assessment process used
- Current status of implementation and performance of local programs in each of the six component areas required by HF 2570
- Goals for each of the six component areas
- Improvement steps and resource requirements for each of the six component areas
- Prioritization of the goals and steps and a timeline

Comment [13]: Should we specify the types of resources, such as partnership/knowledge, financial, regulatory/permits, etc.? JJ

The Council anticipates this output from each pilot area being the basis for application for funding, if needed, from the annual funds set aside by HF 2570 and distributed by the Council.

Task 3: Work with the Council to develop a framework and guidelines for the ongoing EMS project that can be used by future EMS applicants. The intention of this task is to compile and refine the lessons learned from working with the six pilot areas into a program framework and guidelines. The effort should also result in a review of HF 2570 with recommendations for any needed revisions to support and refine the ongoing effort, resulting in the eventual transition of all Iowa comprehensive planning areas to EMS participants. *Delete*

Task 4: Help the Council develop the outline and processes for the annual compliance report. This is the system by which the Council will review individual participant progress and determine ongoing EMS status. The consultant will work with the Council in reviewing the first round of compliance reports. This effort will also result in lessons learned that should be incorporated in the Task 3 output.

Task 5: Project management. Provide a detailed outline of your approach to management of the project, including planned schedule, coordination and communication with the Department and Council; lists of deliverables; quality assurance and control processes; and invoicing procedures. This should be considered a separate task in your work scope.

G. Budget

In the first year of the project, the Council has specified that up to \$225,000 of the available \$600,000 budget will be allocated for a consultant. Remaining funds are reserved to provide funding for pilot projects and for support of the Council. Proposers should provide a budget range to accompany their proposed scope of work for each of the tasks presented above. However, the Department reserves the right to negotiate a specific work scope and fee for the tasks presented with the selected vendor and to determine availability and allocation of funds to the consultant, if any, in subsequent years.

G. Vendor Selection Timeline

The following dates are set forth for informational and planning purposes; dates are subject to change.

1. Issue RFP	05/29/2009
2. Requests for Clarifications Due	06/19/2009
3. Responses to Clarifications Distributed	07/03/2009
4. Closing Date for Receipt of Proposals	07/31/2009
5. Announce Successful Vendor	XX/XX/2009
6. Completion of Contract Negotiations	XX/XX/2009
7. Execution of the Contract	XX/XX/2009
8. Begin Contract	XX/XX/2009

Comment [S4]: This is really rough language but it offers one approach to incorporating scope and budget requirements.

Comment [I5]: Do we have to post the targeted business website for a certain amount of time?
YES - 48 hrs.

Comment [J6]: 7-11 or 7-15 as discussed at the last meeting? [J]

I. Deadlines

The Department must receive proposals at the Department office before 4:00 P.M., central time, [add date]. **This is a mandatory requirement and will not be waived by the Department. Any proposals received after this deadline will be rejected and returned unopened to the vendor.** Vendors mailing proposals must allow ample mail delivery time to ensure timely receipt of their proposals. It is the vendor's responsibility to ensure that the proposals are received prior to the deadline. Postmarking by the due date will not substitute for actual receipt of the submittal. Electronic mail and faxed proposals will not be accepted.

If determined necessary, the Department will notify top candidates for interviews by [add date]. The presentation may occur at the Department's offices or other location in or near Des Moines, Iowa. The determination as to need for presentations, the location, order, and schedule of the presentations is at the sole discretion of the Department. The presentation may include slides, graphics and other media selected by the vendor and/or the Department to illustrate the vendor's proposal. The presentation shall not materially change the information contained in the proposal.

The Department anticipates contractor selection and notification to all applicants by [add date].

Comment [B7]: If there are both hard copy and paperless copies due we need to specify deadlines for each and who they must go to.

*1 copy hard +
1 copy electronic
by due date*

J. Selection Criteria

The Council will select the applicant based upon the following criteria. Contract award will be undertaken with the firm(s) and/or individual(s) whose proposal demonstrates that they are the most likely to meet the needs and expectations of the Council on behalf of the Council and the pilot areas. The contract will be entered into for a period up to 12 months with a possible six month extension possible at the request of the Department.

Project Team and budget –

36%

- Total amount proposed
- Did contractor provide a matrix that shows individual project team names, billable rate, hours assigned to each task, and total by individual and task
- Does the proposal document and explain any differences in Project Team staffing?
- Percent of budget allocated to face-to-face efforts with pilot projects

Comment [B8]: We

- Percent of budget allocated to face-to-face efforts with Council
- Percent of budget allocated to project management

Approach to working with pilot projects – 26%

- Did the contractor explain their process for developing and training on local evaluation techniques?
- Did the contractor explain their process for developing and training on local goal setting systems to address the Council's Elements of Environmental Management Systems?
- Did the contractor explain their process for helping pilot areas develop of system to assess and document continuous improvement?

Approach to working with Council – 26%

- Will the contractor attend all meetings in person or via teleconferencing?
- Does the proposal include a description of a process to develop the long-term framework and guidelines that will lead to the long-term transition of solid waste planning areas across the state to EMS?
- Does the proposal include a review of HE 2570 and recommendations for needed revisions?
- Does the proposal address development of a tool to help the Council review and determine annual EMS progress?

Comment [J9]: Is this necessary or even desired?
j)

Innovation/Transformation – 7%

- What sets this contractor apart from others? Are they innovative? Do they grasp the overall picture – transitioning from a numbers driven (goal progress determination) system to one that incorporates the 10 elements of EMS as indicated in Appendix B? Does their proposal indicate an understanding of how to incorporate "continuous improvement" into this system?

Comment [S10]: That's qualifications

Project management – 5%

Does the contractor have a project manager specifically assigned to this project? Have they listed planned project outputs – meetings, reports, recommendations, and so forth? How will they ensure quality outputs that meet Council expectations? How will they communicate with the DNR's contract officer? What process will they use for preparing and submitting invoices?

TOTAL

100%

K. Format for Submission

One (1) original and one (1) electronic (PDF) copy of the proposal shall be submitted to the Issuing Officer in the timeframe and format specified in Appendix A. The format is purposely general. Proposal should address, at a minimum, each task in the Scope of Work; the available budget; and the timeline. The costs to prepare and deliver the proposal are solely the responsibility of the vendor.

Comment [B21]: Again must spell out how this will work and be consistent.

L. Rejection of Proposals & Variances

The Council reserves the right to reject any or all of the proposals submitted, in whole and in part, received in response to this RFP at any time prior to the execution of a written contract. Issuance of this RFP in no way constitutes a commitment by the Department to award a contract, and under no circumstance shall the lowest price proposal be guaranteed a contract award through this review process.

The Council reserves the right to waive or permit cure of nonmaterial variances in the proposal if, in the judgment of the Council, it is in the Council's best interest to do so. Nonmaterial variances include minor informalities that do not affect responsiveness; that are merely a matter of form or format; that do not change the meaning or scope of the RFP; or that do not reflect a material change in the services. In the event the Council waives or permits cure of nonmaterial variances, such waiver or cure will not modify the RFP requirements or excuse the vendor from full compliance with the RFP specifications or other contract requirements if the vendor is awarded the contract. The determination of materiality is in the sole discretion of the Council.

M. Proposal Opening

The proposals will remain confidential until the Council has reviewed all of the proposals submitted in response to this RFP and the Department has announced a notice of intent to award a contract (Iowa Code Section 72.3).

All proposals become the property of the ~~Council/Department?~~ and will not be returned to the vendor, unless received after the submittal deadline, in which they would be rejected and returned to the vendor. At the conclusion of the selection process, the contents of all proposals will be in the public domain and be open to inspection by interested parties subject to exceptions provided in Iowa Code chapter 22 or other applicable law.

Comment [B12]: Which one use? Department is contracting entity and thus owner.

N. Public Records and Request for Confidential Treatment

The Department may treat all information submitted by a vendor as public information following the conclusion of the selection process unless the vendor properly requests that information be treated as confidential at the time of submitting the bid proposal. The Department's release of information is governed by Iowa Code chapter 22. Vendors are encouraged to familiarize themselves with chapter 22 before submitting a proposal. The Department will copy public records as required to comply with the public records laws.

Comment [I13]: I've emailed Jon Tack to see what template to use for the boilerplate part of the contract. This is due to the new procedure I mentioned Friday.

Any request for confidential treatment of information must be included in the transmittal letter with the vendor's proposal. In addition, the vendor must enumerate the specific grounds in Iowa Code chapter 22 or other applicable law which support treatment of the material as confidential and explain why disclosure is not in the best interest of the public. The request for confidential treatment of information must also include the name, address, and telephone number of the person authorized by the vendor to respond to any inquiries by the Department concerning the confidential status of the materials.

Any proposal submitted which contains confidential information must be conspicuously marked on the outside as containing confidential information, and each page upon which confidential information appears must be conspicuously marked as containing confidential information. Identification of the entire proposal as confidential may be deemed non-responsive and disqualify the vendor.

If the vendor designates any portion of the RFP as confidential, the vendor must submit one (1) copy of the proposal from which the confidential information has been excised. This excised copy is in addition to the number of copies requested in section 4 of this RFP. The confidential material must be excised in such a way

Comment [I14]: We don't have section 4.

as to allow the public to determine the general nature of the material removed and to retain as much of the proposal as possible.

The Department will treat the information marked confidential as confidential information to the extent such information is determined confidential under Iowa Code Chapter 22 or other applicable law by a court of competent jurisdiction.

In the event the Department receives a request for information marked confidential, written notice shall be given to the vendor seven (7) calendar days prior to the release of the information to allow the vendor to seek injunctive relief pursuant to Section 22.8 of the Iowa Code. The vendor's failure to request confidential treatment of material will be deemed by the Department as a waiver of any right to confidentiality, which the vendor may have had.

O. Restrictions on Communication

From the issue date of this RFP until announcement of the successful vendor, vendors may contact only the Issuing Officer. Verbal questions related to the interpretation of this RFP will not be accepted. Vendors may be disqualified if they contact any state employee other than the Issuing Officer.

Vendors are invited to submit written questions and requests for clarifications regarding the RFP. Vendors may also submit suggestions for changes to the requirements of this RFP. The questions, requests for clarifications or suggestions must be in writing and received by the Issuing Officer before 4:00 P.M., central time, [add date]. If the questions, requests for clarifications, or suggestions pertain to a specific section of the RFP, the page and section number(s) must be referenced.

Written responses to questions, requests for clarifications, or suggestions will be sent on or before [add date] to vendors who submitted a letter of intent. The Department's written responses will be considered part of the RFP. If the Department decides to adopt a suggestion, the Department will issue an amendment to the RFP. If the Department decides to adopt a suggestion, the Department will issue an amendment to the RFP and will post it online (<http://www.iowadnr.gov/waste/sw/swapac.html>).

P. Amendment to the RFP and Proposal and Withdrawal of Proposal

The Department reserves the right to amend the RFP at any time. The vendor shall acknowledge receipt of all amendments in its proposal. If the amendment occurs after the closing date for receipt of proposals, the Department may, in its sole discretion, allow vendors to amend their proposals in response to the Department's amendment if necessary.

The vendor may amend its proposal. The amendment must be in writing, signed by the vendor and received by time set for the receipt of proposals. Electronic mail and faxed amendments will not be accepted.

Vendors who submit proposals in advance of the deadline may withdraw, modify, and resubmit proposals at any time prior to the deadline for submitting proposals. Vendors must notify the Issuing Officer in writing if they wish to withdraw their proposals.

Q. Choice of Law and Forum

This RFP and the resulting decisions or documents are to be governed by the laws of the state of Iowa. Changes in applicable laws and rules may affect the process. Vendors are responsible for ascertaining pertinent legal requirements and restrictions. Any and all litigation or actions commenced in connection with this RFP shall be brought in the appropriate Iowa forum.

APPENDIX A.

REQUEST FOR PROPOSALS

Format for Submission

One (1) original and one (1) electronic (PDF) copy of the proposal shall be submitted by DATE, 2009. Original proposals shall be double-sided and submitted on recycled-content paper with a minimum of 30% post-consumer recycled content and bound in the upper left-hand corner. Each proposal shall be limited to 25 pages in length and shall include:

1. Transmittal Letter – An individual authorized to legally bind the vendor shall sign the transmittal letter. The letter shall include the vendor's mailing address, electronic mail address, fax number, and telephone number.

Any request for confidential treatment of information shall be included in the transmittal letter in addition to the specific statutory basis supporting the request and an explanation why disclosure of the information is not in the best interest of the public.

2. Cover sheet including title of the proposal, submission date, organization name, address, telephone number of both the applicant and the primary contact person.
3. Project team shall provide their understanding of the Department's needs and their proposed work plan to address the Scope of Work. This shall include a thorough explanation of how your firm will complete all of the tasks required by the Council. Merely repeating the requirements will be considered non-responsive and may disqualify the vendor.
4. Budget proposal including a matrix that shows individual project team names, billable rate, hours assigned to each task, and total by individual and task. Substitution of key project team members identified in the original statement of qualifications will not be allowed, unless documented and explained herein. Identify all subcontractors and their planned contributions to the project as well.

Comment [115]: Do we just need to reference Scope of Work?

APPENDIX B

ELEMENTS OF ENVIRONMENTAL MANAGEMENT SYSTEMS

There are three (3) main overarching elements.

1. **Environmental Policy Statement:** Statement by the organization of its intentions and principles in relation to its overall environmental performance which provides a framework for action and for the setting of its environmental objectives and targets, and its commitment to continual improvement through the EMS.
2. **Environmental Impacts:** The organization identifies and evaluates the actual or potential impacts to the environment, whether adverse or beneficial, from its activities, services and facilities. During the evaluation process, significant impacts to the environment are determined.
3. **Legal and other requirements:** The organization must identify the legal requirements for its operations and facilities, including relevant environmental laws, regulations and permits, and worker health and safety regulations, and have a process for tracking any changes in these requirements.

The following seven (7) elements will be applied to each of the six (6) plan components (Yard Waste Management, Hazardous Household Waste Collection, Water Quality Improvement, Greenhouse Gas Reduction, Recycling Services, Environmental Education):

1. **Objectives and Targets:** The organization establishes objectives relevant to its policy, environmental issues and impacts previously identified the views of interested parties, and other factors. Targets necessary for achieving the stated objectives are also established. A target is much more detailed than its objective and must be quantifiable.
2. **Action Plan:** Actions necessary to achieve the objectives and targets. The plan includes identifying the individuals and/or organizations responsible for carrying out specific tasks, timelines for completion of each step in the plan, and a schedule for periodically reviewing and updating, as conditions dictate, the objectives and targets.
3. **Identify key resources and additional needs:** As part of reviewing the draft of the action plan, conduct an inventory of key resources needed to carry out and complete the action plan. Resources may include fiscal matters, specific skills, facilities, partners and additional needs. Upon completion of the inventory the action plan may need to be adjusted accordingly.
4. **Communication/Training/Awareness:** Establish processes for internal and external communication. External communication will include reaching out to those groups and organizations that have been identified as having an interest, stake or role in the organization's ongoing EMS program. There must also be procedures for receiving and responding to relevant communication from external interested parties. Internal communication is directed to individuals,

organizations and entities that have a role or responsibility within the action plan. Internal communication includes a process to ensure that all responsible parties are familiar with the EMS and have the training necessary to capably execute their roles.

5. Monitoring and Measurement: A documented process for monitoring key activities and measuring performance related to the specific environmental objective and target.
6. Assessment: The organization must have documented procedures for assessing the function of each component and its effectiveness of and conformance with the EMS plan. Assessment is the process of drawing conclusions from the performance measurements.
7. Reevaluation and modification: The reevaluation and modification element is an activity that allows an organization to improve and strengthen the EMS on an ongoing basis. This element considers areas where the EMS has met, exceeded or failed to meet expectations. Identify root causes of those outcomes, and develop additional goals and activities appropriate to each. It's an opportunity to realize the organization's commitment to continuous improvement and should not be looked upon negatively.

For more information please visit our website at: <http://www.iowadnr.gov/waste/sw/swapac.html>